

REMARKS

Claims 42-50 and 56-59 are pending. Claims 1-41 and 51-55 have been cancelled. Applicants reserve the right to pursue the cancelled subject matter in one or more related applications.

Claim 47 has been amended and Claims 57-59 has been added. Support for the amended and new claims can be found in the original claims as filed as well as on page 12, line 30 to page 13, line 20 of the instant specification. No new matter has been added.

Claim Objection

Claim 43 has been objected to as being of improper dependant form for failing to further limit the subject matter of the previous claim. Applicants respectfully disagree.

The Examiner contends that claim 42 (the from which claim 43 depends) already includes the limitation of blood agar and, as such, claim 43 does not add any additional limitation. Applicant agrees that the process described in claim 42 requires the use of blood agar to determine which colonies are the highly productive clonal subtypes of the gray phenotype. However, claim 43 is directed to purification of those clones rather than the growing of the colonies.

Applicants point out that the specification discloses two ways in which to purify the desired highly productive clones: (1) directly from the blood agar plates or (2) from a duplicate plate containing an agar that does not include blood products (see page 12, line 30 to page 13, line 20 of the instant specification). Claim 43 is directed to the first method while claim 47 is directed to the second method of purifying the colonies of interest.

As such, Applicants believe that claim 43 does add an additional limitation over claim 42 and request that the claim objection be withdrawn.

Rejection Under §112

Claims 47-50 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants respectfully disagree.

The Examiner contends that claim 47 is unclear because it is not apparent at what point the subtypes are plated on the second agar. Applicants have amended the claim to clarify that the claimed process includes a duplicate plating procedure. Identical colonies are plated on two different plates - one blood agar and the other an agar that does not contain blood products. The desired gray phenotype colonies are discernable on the blood agar plates and the corresponding colonies can be picked from the agar plate that does not contain blood products. This way, the highly productive clonal isolates used in the final plasmid DNA production process can be free from contact with blood products.

Additionally, the Examiner identified that claim 47 was dependent upon cancelled claim 41. Applicants have amended the claim to correct the typographical error.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under §112.

Conclusion

It is believed that the claims now pending are in condition for allowance. Favorable action by the Examiner is earnestly requested.

Authorization

The Commissioner is hereby authorized to charge to deposit account 13-2755 \$490.00 to pay the fee under 37 C.F.R. §1.136(a) for an Extension of Time for two months and \$810.00 to pay the fee under 37 C.F.R. §1.114 for a Request for Continued Examination. Additionally, the Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to deposit account 13-2755.

Respectfully submitted,

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